

*Serial No. 09/626,127  
Amendment Faxed September 17, 2003  
Reply To Office Action Of September 12, 2003*

### **REMARKS/ARGUMENTS**

By the above amendments, claims 65, 66, 69, 79 and 83 have been amended, claim 90 remains as previously entered, and claims 1-64, 67, 68, 70-78, 80-82 and 85-89 have been canceled. Therefore, claims 65, 66, 69, 79, 83, 84 and 90 are currently under consideration.

Claims 65, 66, 69, 70, 79, 83 and 84 were deemed allowable in the Final Office Action, if amended to include the subject matter of intervening claims. Claim 90 was allowed as presented. However, in a telephone discussion with the Examiner on September 17, 2003, the status of claim 70 was changed. Specifically, the Examiner stated that claim 70 was rejected over the Desnick et al. for the reasons set forth in the Office Action as applied to claim 2.

Applicant traverses the rejections over Desnick et al., as applied to claims 2, 64, 67, 70-78, 80, 81 and 82 for a variety of reasons, including Applicant's priority claim that extends back to July 15, 1988 and the lack of enablement of the Desnick et al. with respect to Applicants claimed invention. The Desnick et al. reference only has a priority claim back to October 24, 1990. However, since Applicant is anxious to have the allowable claims issue, Applicant has canceled claims 2, 64, 67, 70-78, 80, 81 and 82, and will pursue them and address the rejections over Desnick et al. in a continuation to be filed shortly. The cancellation of claims 2, 64, 67, 70-78, 80, 81 and 82 is not acquiescence by Applicant to the rejection.

Claims 85-88 were withdrawn by in the Office Action as being directed to an invention that is independent or distinct from the invention set forth in the examined claims. The Office Action further requires Applicant to cancel these claims thereby constituting a restriction requirement of the presented subject matter entitling Applicant to file a division application. During the above-mentioned conversation with the Examiner on September 17, 2003, it was determined that claim 89 should also have been included in this restriction of the presented subject matter. Therefore, claims 85-89 have been canceled without prejudice and will be

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pursued in a divisional application to be filed shortly.

Applicant has amended the allowable claims, as indicated below, and canceled both rejected and withdrawn claims without prejudice, in order bring the instant application into condition for allowance, as follows:

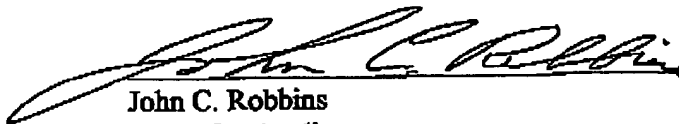
Claim 65 was amended to include the subject matter of claim 2;  
Claim 66 was amended to include the subject matter of claims 2 and 64;  
Claim 69 was amended to include the subject matter of claim 2;  
Claim 79 was amended to include the subject matter of claims 77 and 78; and  
Claim 83 was amended to include the subject matter of claims 77, 81 and 82.

Applicant notes that by the above amendments, the total number of claims has been reduced from 28 to 7, and the number of independent claims remains unchanged at 6 independent claims, therefore, no additional claim fees are due.

Applicant respectfully asserts that the application is now in condition for allowance.

Respectfully submitted,

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